



Senate

General Assembly

File No. 15

February Session, 2016

Senate Bill No. 180

Senate, March 9, 2016

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PERMANENCY HEARINGS, YOUTH ADVISORY COUNCILS AND FOSTER FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (k) of section 46b-129 of the 2016 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2016*):

4 (k) (1) (A) Nine months after placement of the child or youth in the
5 care and custody of the commissioner pursuant to a voluntary
6 placement agreement, or removal of a child or youth pursuant to
7 section 17a-101g or an order issued by a court of competent
8 jurisdiction, whichever is earlier, the commissioner shall file a motion
9 for review of a permanency plan if the child or youth has not reached
10 his or her eighteenth birthday. Nine months after a permanency plan
11 has been approved by the court pursuant to this subsection or
12 subdivision (5) of subsection (j) of this section, the commissioner shall
13 file a motion for review of the permanency plan. Any party seeking to
14 oppose the commissioner's permanency plan, including a relative of a

15 child or youth by blood or marriage who has intervened pursuant to
16 subsection (d) of this section and is licensed as a foster parent for such
17 child or youth or is vested with such child's or youth's temporary
18 custody by order of the court, shall file a motion in opposition not later
19 than thirty days after the filing of the commissioner's motion for
20 review of the permanency plan, which motion shall include the reason
21 therefor. A permanency hearing on any motion for review of the
22 permanency plan shall be held not later than ninety days after the
23 filing of such motion. The court shall hold evidentiary hearings in
24 connection with any contested motion for review of the permanency
25 plan and credible hearsay evidence regarding any party's compliance
26 with specific steps ordered by the court shall be admissible at such
27 evidentiary hearings. The commissioner shall have the burden of
28 proving that the proposed permanency plan is in the best interests of
29 the child or youth. After the initial permanency hearing, subsequent
30 permanency hearings shall be held not less frequently than every
31 twelve months while the child or youth remains in the custody of the
32 Commissioner of Children and Families or, if the youth is over
33 eighteen years of age, while the youth remains in voluntary placement
34 with the department. The court shall provide notice to the child or
35 youth, the parent or guardian of such child or youth, and any
36 intervenor of the time and place of the court hearing on any such
37 motion not less than fourteen days prior to such hearing. If a child is at
38 least twelve years of age, the Commissioner of Children and Families
39 shall arrange for the child to be present at such hearing and shall
40 provide transportation for such child to and from such hearing, if
41 necessary. The court may excuse a child from attending such hearing
42 upon the court's determination that (i) the child has received notice of
43 such hearing pursuant to the provisions of this subparagraph, (ii) the
44 child has decided not to attend such hearing, and (iii) the child has
45 consulted with his or her representative or attorney regarding his or
46 her decision not to attend such hearing.

47 (B) (i) If a child is at least twelve years of age, the child's
48 permanency plan, and any revision to such plan, shall be developed in
49 consultation with the child. In developing or revising such plan, the

50 child may consult up to two individuals participating in the
51 department's case plan regarding such child, neither of whom shall be
52 the foster parent or caseworker of such child. One individual so
53 selected by such child may be designated as the child's advisor for
54 purposes of developing or revising the permanency plan.

55 (ii) If a child is at least twelve years of age, the commissioner shall
56 notify the parent or guardian, foster parent and child of any
57 administrative case review regarding such child's commitment not less
58 than five days prior to such review and shall make a reasonable effort
59 to schedule such review at a time and location that allows the parent or
60 guardian, foster parent and child to attend.

61 (iii) If a child is at least twelve years of age, such child shall,
62 whenever possible, identify not more than three adults with whom
63 such child has a significant relationship and who may serve as a
64 permanency resource. The identity of such adults shall be recorded in
65 the case plan of such child.

66 (iv) Not later than January 1, 2016, and annually thereafter, the
67 commissioner shall submit a report, in accordance with the provisions
68 of section 11-4a, to the joint standing committees of the General
69 Assembly having cognizance of matters relating to children and the
70 judiciary, on the number of case plans in which children have
71 identified adults with whom they have a significant relationship and
72 who may serve as a permanency resource.

73 (2) At a permanency hearing held in accordance with the provisions
74 of subdivision (1) of this subsection, the court shall approve a
75 permanency plan that is in the best interests of the child or youth and
76 takes into consideration the child's or youth's need for permanency.
77 The child's or youth's health and safety shall be of paramount concern
78 in formulating such plan. Such permanency plan may include the goal
79 of (A) revocation of commitment and reunification of the child or
80 youth with the parent or guardian, with or without protective
81 supervision; (B) transfer of guardianship or permanent legal
82 guardianship; (C) filing of termination of parental rights and adoption;

83 or (D) for a child sixteen years of age or older, another planned
84 permanent living arrangement ordered by the court, provided the
85 Commissioner of Children and Families has documented a compelling
86 reason why it would not be in the best interests of the child or youth
87 for the permanency plan to include the goals in subparagraphs (A) to
88 (C), inclusive, of this subdivision. Such other planned permanent
89 living arrangement shall, whenever possible, include an adult who has
90 a significant relationship with the child, and who is willing to be a
91 permanency resource, and may include, but not be limited to,
92 placement of a youth in an independent living program or long term
93 foster care with an identified foster parent.

94 (3) If the permanency plan for a child sixteen years of age or older
95 includes the goal of another planned permanent living arrangement
96 pursuant to subparagraph (D) of subdivision (2) of this subsection or
97 subdivision (3) of subsection (c) of section 17a-111b, the department
98 shall document for the court: (A) The manner and frequency of efforts
99 made by the department to return the child home or to secure
100 placement for the child with a fit and willing relative, legal guardian or
101 adoptive parent; and (B) the steps the department has taken to ensure
102 (i) the child's foster family home or child care institution is following a
103 reasonable and prudent parent standard, as defined in section 17a-
104 114d; and (ii) the child has regular opportunities to engage in age
105 appropriate and developmentally appropriate activities, as defined in
106 section 17a-114d.

107 (4) At a permanency hearing held in accordance with the provisions
108 of subdivision (1) of this subsection, the court shall (A) (i) ask the child
109 or youth about his or her desired permanency outcome, or (ii) if the
110 child or youth is unavailable to appear at such hearing, require the
111 attorney for the child or youth to consult with the child or youth
112 regarding the child's or youth's desired permanency outcome and
113 report the same to the court, (B) review the status of the child or youth,
114 (C) review the progress being made to implement the permanency
115 plan, (D) determine a timetable for attaining the permanency plan, (E)
116 determine the services to be provided to the parent if the court

117 approves a permanency plan of reunification and the timetable for
118 such services, and (F) determine whether the commissioner has made
119 reasonable efforts to achieve the permanency plan. The court may
120 revoke commitment if a cause for commitment no longer exists and it
121 is in the best interests of the child or youth.

122 (5) If the permanency plan for a child sixteen years of age or older
123 includes the goal of another planned permanent living arrangement
124 pursuant to subparagraph (D) of subdivision (2) of this subsection, the
125 court shall (A) (i) ask the child about his or her desired permanency
126 outcome, or (ii) if the child is unavailable to appear at a permanency
127 hearing held in accordance with the provisions of subdivision (1) of
128 this subsection, require the attorney for the child to consult with the
129 child regarding the child's desired permanency outcome and report
130 the same to the court; (B) make a judicial determination that, as of the
131 date of hearing, another planned permanent living arrangement is the
132 best permanency plan for the child; and (C) document the compelling
133 reasons why it is not in the best interest of the child to return home or
134 to be placed with a fit and willing relative, legal guardian or adoptive
135 parent.

136 (6) If the court approves the permanency plan of adoption: (A) The
137 Commissioner of Children and Families shall file a petition for
138 termination of parental rights not later than sixty days after such
139 approval if such petition has not previously been filed; (B) the
140 commissioner may conduct a thorough adoption assessment and
141 child-specific recruitment; and (C) the court may order that the child
142 be photo-listed within thirty days if the court determines that such
143 photo-listing is in the best interests of the child or youth. As used in
144 this subdivision, "thorough adoption assessment" means conducting
145 and documenting face-to-face interviews with the child or youth,
146 foster care providers and other significant parties and "child specific
147 recruitment" means recruiting an adoptive placement targeted to meet
148 the individual needs of the specific child or youth, including, but not
149 limited to, use of the media, use of photo-listing services and any other
150 in-state or out-of-state resources that may be used to meet the specific

151 needs of the child or youth, unless there are extenuating circumstances
152 that indicate that such efforts are not in the best interests of the child or
153 youth.

154 Sec. 2. (NEW) (*Effective from passage*) (a) As used in this section:

155 (1) "Child" or "children" means any person or persons under
156 eighteen years of age, except as otherwise specified, or any person or
157 persons under twenty-one years of age who is or are in full-time
158 attendance in a secondary school, a technical school, a college or a
159 state-accredited job training program; and

160 (2) "Child care facility" has the same meaning as provided in section
161 17a-93 of the general statutes.

162 (b) Not later than January 1, 2017, the Commissioner of Children
163 and Families shall require each child care facility that has the capacity
164 to house not less than ten children to establish a youth advisory
165 council. Each youth advisory council shall (1) create leadership
166 opportunities for children residing in such child care facility, (2) enable
167 children residing in such child care facility an opportunity to express
168 and address grievances, (3) encourage open communication with staff
169 members of such child care facility, and (4) enable children residing in
170 such child care facility to develop skills, including, but not limited to,
171 peer advocacy, public speaking and conflict resolution.

172 (c) The Commissioner of Children and Families shall establish
173 procedures to enable each youth advisory council to report, not less
174 than quarterly, to each youth advisory board established pursuant to
175 section 17a-10c of the general statutes to offer recommendations for
176 policy and practice reforms to be used in child care facilities.

177 Sec. 3. Subsection (b) of section 17a-114 of the 2016 supplement to
178 the general statutes is repealed and the following is substituted in lieu
179 thereof (*Effective October 1, 2016*):

180 (b) (1) No child in the custody of the Commissioner of Children and
181 Families shall be placed in foster care with any person, unless (A) (i)

182 such person is licensed for that purpose by the department or the
183 Department of Developmental Services pursuant to the provisions of
184 section 17a-227, or [(B)] (ii) such person's home is approved by a child
185 placing agency licensed by the commissioner pursuant to section 17a-
186 149, or [(C)] (iii) such person has received approval as provided in this
187 section, and (B) on and after January 1, 2017, for a child twelve years of
188 age or older, such child has received a foster family profile in
189 accordance with the provisions of section 4 of this act. Any person
190 licensed by the department may be a prospective adoptive parent. The
191 commissioner shall adopt regulations, in accordance with the
192 provisions of chapter 54, to establish the licensing procedures and
193 standards.

194 (2) The commissioner shall require each applicant for licensure or
195 approval pursuant to this section and any person sixteen years of age
196 or older living in the household of such applicant to submit to state
197 and national criminal history records checks prior to issuing a license
198 or approval to such applicant to accept placement of a child for
199 purposes of foster care or adoption. Such criminal history records
200 checks shall be conducted in accordance with section 29-17a. The
201 commissioner shall also check the state child abuse registry established
202 pursuant to section 17a-101k for the name of such applicant and for the
203 name of any person sixteen years of age or older living in the
204 household of such applicant.

205 (3) The commissioner, at his or her discretion, may require any
206 person sixteen years of age or older, who is not living in the household
207 but who has regular unsupervised access to a child in the home of an
208 applicant for licensure or approval, to submit to state and national
209 criminal history records checks prior to issuing a license or approval to
210 such applicant to accept placement of a child. Such criminal history
211 records checks shall be conducted in accordance with section 29-17a.
212 The commissioner may also check the state child abuse registry
213 established pursuant to section 17a-101k for the name of any person
214 sixteen years of age or older who is not living in the household but
215 who has regular unsupervised access to a child.

216 (4) The commissioner shall require each individual licensed or
217 approved pursuant to this section and any person sixteen years of age
218 or older living in the household of such individual to submit to state
219 and national criminal history records checks prior to renewing a
220 license or approval for any individual providing foster care.

221 (5) The commissioner, at his or her discretion, may require any
222 person sixteen years of age or older who is not living in the household
223 but who has regular unsupervised access to a child in the home of any
224 individual licensed or approved pursuant to this section to submit to
225 state and national criminal history records checks prior to renewing a
226 license or approval for such individual providing foster care.

227 Sec. 4. (NEW) (*Effective from passage*) (a) On and after January 1,
228 2017, the Commissioner of Children and Families shall create a foster
229 family profile on each foster family, as defined in section 17a-93 of the
230 general statutes, for distribution to each child twelve years of age or
231 older who is placed in foster care pursuant to section 17a-114 of the
232 general statutes, as amended by this act. Such foster family profile
233 shall be distributed to such child not less than seven days prior to such
234 child being placed with such foster family and shall contain
235 information including, but not limited to, the name and location of the
236 school the child will attend, the name, age and gender of each
237 individual living in the household, the sleeping arrangements in the
238 household, information on the presence of pets in the household and a
239 brief summary of household expectations. The provisions of this
240 subsection shall not apply to a child placed with a fictive kin caregiver,
241 as defined in section 17a-114 of the general statutes, as amended by
242 this act, relative caregiver or special study foster parent.

243 (b) Not later than January 1, 2017, the Department of Children and
244 Families shall develop or approve a foster care family survey for
245 distribution to each child seven years of age or older who is removed
246 from or leaves a foster family. On and after January 1, 2017, the
247 department shall (1) distribute a foster family survey to a child not
248 later than fifteen days after such child is removed from or leaves a

249 foster home, and (2) catalogue the results of such foster family surveys
250 to gather data that may be used by the department to recruit, train and
251 retain high-quality foster families.

252 (c) Not later than January 1, 2018, the Commissioner of Children
253 and Families shall submit a report, in accordance with the provisions
254 of section 11-4a of the general statutes, to the joint standing committee
255 of the General Assembly having cognizance of matters relating to
256 children on the status of the initiatives prescribed in subsections (a)
257 and (b) of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	46b-129(k)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2016</i>	17a-114(b)
Sec. 4	<i>from passage</i>	New section

KID *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Children & Families, Dept.	GF - Cost	approx. 73,000	approx. 97,300
Children & Families, Dept.	GF - Revenue Gain	approx. 13,900	approx. 18,500

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a net state cost of approximately \$59,100 in FY 17 and approximately \$78,800 in FY 18. State costs are related to the requirements that the Department of Children and Families (DCF) provide: (1) transportation to children twelve years of age or older so that they can attend their permanency hearings, unless they opt out¹ (a cost of approximately \$72,900 in FY 17), and (2) provide foster family profiles to this same age group (a cost of approximately \$100 annually).

The General Fund revenue gain is associated with 50% federal reimbursement under Title IV-E of the Social Security Act, applied to eligible transport expenditures.² There is no fiscal impact anticipated with the provision that congregate residential settings, licensed by DCF for the out-of-home placement of children and youth, establish youth advisory councils. Costs in FY 17 reflect partial year implementation, beginning on 10/1/2016.

ASSUMPTIONS

¹The child must consult with her or his attorney regarding this decision.

²Approximately 38% of total permanency hearing transport expenditures are anticipated to be reimbursable under Title IV-E.

There are approximately 1,350 permanency hearings involving children twelve years of age or older each year. It is assumed that Social Worker Case Aides will be utilized for transportation, as their mid-range hourly rate (\$26.39) is less than that of a Social Worker (\$36.63), and a Social Work Supervisor (\$40.19). It should be noted, nonetheless, that those more expensive positions may be needed to provide transportation at times, which would increase costs and associated federal reimbursement. Further, without additional staff, it is assumed that Case Aides will incur overtime³ (\$39.59 at time and a half). Average transportation time of one hour, roundtrip, is anticipated. Mileage is reimbursed at \$0.54 per mile. For purposes of this fiscal note, an average of 60 miles, roundtrip, is assumed (a cost of \$32.40 per trip for mileage reimbursement).

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of children twelve years of age or older transported to permanency hearings, foster family profiles, and cost inflation.

³Case Aides overtime totaled \$1.4 million in FY 15. In FY 16, through 3/4/16, \$1 million in overtime for Case Aides has been expended.

OLR Bill Analysis**SB 180*****AN ACT CONCERNING PERMANENCY HEARINGS, YOUTH ADVISORY COUNCILS AND FOSTER FAMILIES.*****SUMMARY:**

This bill requires the Department of Children and Families (DCF) to

1. arrange for the presence of children age 12 and older at permanency hearings for those who wish to attend;
2. require child care facilities that house at least 10 children to establish youth advisory councils;
3. create, for children in, or to be placed in, foster care, foster family profiles for distribution to children age 12 and older and foster care family surveys for distribution to children age seven and older; and
4. starting January 1, 2017, distribute the foster care family profiles to children age 12 and older before placing them in foster care.

EFFECTIVE DATE: Upon passage, except the provisions on the permanency hearing and placement of children in foster care only after receiving foster family profiles are effective October 1, 2016.

PERMANENCY HEARINGS

The bill requires DCF to arrange for the presence of children age 12 and older at their permanency plans hearings if they wish to attend.

By law, DCF must submit for court approval a permanency plan (see BACKGROUND) that is in the best interests of a child in DCF care or custody. The commissioner must ask the court to review the plan nine months after its approval, and the court must hold a hearing

within 90 days of this request. Following this initial permanency hearing, the court must review the plan annually for as long as the child remains in DCF custody or, if age 18 or over, in voluntary placement with the department.

The law requires the court to notify a child who is the subject of a permanency hearing at least 14 days before it is to take place. The bill requires DCF to (1) arrange for the presence at the hearing of a child age 12 or older and (2) provide transportation, if necessary, to and from the hearing.

The bill allows a court to excuse a child from the hearing, however, if it determines that the child has (1) received notice of the hearing as required by law, (2) decided not to attend, and (3) consulted with his or her representative or attorney about this decision.

YOUTH ADVISORY COUNCILS

The bill requires the DCF commissioner, by January 1, 2017, to require each child care facility (see BACKGROUND) able to house at least 10 children to establish a youth advisory council.

Each such council must

1. create leadership opportunities for children living in the facility;
2. give the children the opportunity to express and address grievances;
3. encourage open communication with facility staff; and
4. enable children to develop such skills as peer advocacy, public speaking, and conflict resolution.

The commissioner must establish procedures enabling each council to report at least quarterly to each youth advisory board on recommendations for policy and practice reforms in child care facilities. (By law, each DCF regional office must establish a youth advisory board comprised of youth in out-of-home care (CGS 17a-10c).)

Under the bill, a child is anyone age 17 or younger or a person age 20 or younger who attends, full-time, a (1) high school, (2) technical school, (3) college, or (4) state accredited job training program.

FOSTER FAMILY PROFILES AND SURVEYS

Profiles

On and after January 1, 2017, the commissioner must create a foster family profile on each foster family for distribution to each child age 12 or older placed in foster care. The profile must at least include a brief summary of household expectations and the

1. name and location of the school the child will attend;
2. name, age, and gender of each person living in the home;
3. household sleeping arrangements; and
4. presence of pets.

DCF must provide the profile to each child, age 12 or older, at least seven days before placing the child with a foster family.

The bill prohibits DCF from placing a child age 12 or older in foster care on or after January 1, 2017 unless the child has received the profile. It is not clear how children can receive the profile as of January 1, 2017 if DCF does not have to create it until that date.

DCF does not have to create these profiles for, or distribute them to, children placed with a fictive kin or relative caregiver or special study foster parent (see BACKGROUND).

Surveys

By January 1, 2017, the commissioner must develop or approve a foster care family survey for distribution to each child age seven or older who is removed from or leaves a foster family. Starting on that date, DCF must (1) distribute the survey to such children no later than 15 days after the child is removed from or leaves a foster home and (2) compile the results of the surveys to gather information it may use to

recruit, train, and retain high quality foster families.

The commissioner must report, by January 1, 2018, to the Committee on Children on the status of the profile and survey.

BACKGROUND

Permanency Plan

DCF must prepare a permanency plan for children in DCF care and custody. The plan may include the goal of (1) reunification of the child or youth with the parent or guardian, with or without protective supervision; (2) transfer of guardianship or permanent legal guardianship; (3) termination of parental rights and adoption; or (4) for a child age 16 or older, another planned permanent living arrangement ordered by the court (CGS § 46b-129 (k) (2)).

Child Care Facilities

These are DCF-licensed congregate residential settings for the out-of-home placement of (1) children or youths under age 18 or (2) any person under age 21 attending a high school, technical school, college, or state accredited job training program full-time (CGS § 17a-93).

Fictive Kin Caregivers and Special Study Foster Parents

By law, a fictive kin caregiver is someone age 21 or older who is unrelated to a child by birth, adoption, or marriage but who has an emotionally significant relationship with such child amounting to a familial relationship and who is not approved or licensed by DCF to provide foster care (CGS § 17a-114). PA 15-199 renamed special study foster parents as fictive kin caregivers.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 11 Nay 0 (02/25/2016)